

## COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County	)	
	)	
vs.	)	Docket # 1746 and 1747
	)	
Margaret O'Connell	)	
Deputy Sheriff	)	

### DECISION

THIS MATTER COMING ON to be heard pursuant to notice, the Cook County Sheriff's Merit Board finds as follows:

#### **Jurisdiction:**

The Respondent's, Margaret O'Connell, (hereinafter "Respondent"), position as a Deputy Sheriff involves duties and responsibilities to the public; and

Each member of the Cook County Sheriff's Merit Board, hereinafter "Board," has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and

The Board has jurisdiction of the subject matter and of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

The Respondent was personally served with a copy of the Complaint and Notice of Hearing and appeared before the Board to contest the charges contained in the complaint; and

The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

#### **Background:**

The Sheriff of Cook County filed two complaints combined for purposes of evidence and decision which sought the separation from employment of Respondent. The complaint in docket number 1746 alleged that on April 10, 2013 the Respondent provided a signed statement to OPR investigators that on February 27, 2013 she left work two hours early because she needed to pick up her daughter after receiving a phone call from her mother informing her that the search warrant was being executed at her home. That on April 10, 2013 the Respondent falsely reported to these investigators that she completed and submitted a Cook County Sheriff Office timekeeping/attendance three part form requesting to utilize two hours of benefit time on February 27, 2013. The complaint alleged that the Sheriff's daily log February 27, 2013 revealed the Respondent did not complete or submit such a form for February 27, 2013. It further alleged that on April 12, 2013 Respondent approach is superior stating she needed to leave early due to a family emergency and that the superior told her it was okay for her to leave but that there were no three-part forms available for her to fill out and that she should submit it to her timekeeper on

her next shift. The complaint alleges that Respondent never submitted a three part form. The complaint alleged that these actions by Respondent violated Sheriff's order 11.2.2 0.0 including sections II and VI, and Merit Board Rules and Regulations article X paragraph B3.

The complaint in case docket number 1747 alleges that on February 27, 2013 the Chicago Police Department executed a search warrant at Respondent's residence at [REDACTED] Chicago, Illinois. The target of the search warrant was [REDACTED] was also residing at that address with Respondent and their three-year-old daughter, and that [REDACTED] was a known gang member and convicted felon, and the Respondent was aware that he was a convicted felon. The complaint also alleges that on February 27, 2013 the Chicago police recovered weapons and ammunition and drug paraphernalia as well as suspected cannabis. It further alleges that on that February 27, 2013 Chicago police located a weapon with three rounds of ammunition in a drawer with extra ammunition magazines which weapon was registered to the Respondent and was not in a locked box or secured. It further alleges that on April 10, 2013 Respondent gave false statements to OPR regarding the weapon and that the Respondent failed to notify the Sheriff's office of a change of residence. The complaint alleges that this violates Sheriff's Order 11.2.2 0.0 II, VI, A, B,D,H,I and General Order 1009 II and 3406 V and 8403.2 II and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraphs B 1, 2, 3 and 4.

**Issues Presented:** Whether the actions of the Respondent violated any of the General orders, Sheriff's orders or Merit Board Rules set forth above and what if any discipline is appropriate if a violation occurred.

**Resolution of Issues Presented:** The Merit Board finds that violations Sheriff's Order 11.2.2 0.0 II, VI, A, A,D,H,I and General Order 1009 II and 3406 V and 8403.2 II and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraphs B 1, 2, 3 and 4 occurred.

**Findings of Fact:** An evidentiary hearings in these matters was held on May 9, 2014 at the Cook County Administration Building, 69 West Washington Street, Room 1100, Chicago, Illinois before Board Member James P. Nally. Present were the Petitioner by counsel and Respondent by counsel. The witnesses who testified for the Sheriff were [REDACTED]

[REDACTED] and [REDACTED]  
The Respondent testified as a witness and on her own behalf.

**Sheriff's Exhibits 1-12, and Respondent's Exhibits 1 and 2** were admitted into evidence.

**Evidence:**

[REDACTED] testified he was a sergeant supervising the Respondent on February 27, 2013. He testified the Respondent came to him around 10 PM and said she had a family emergency and had to leave, he told her to sign out don't worry about the three-part you can do that tomorrow. The Respondent left and he does not know if she ever submitted a three-part. As to her job performance he said she did her job and he authorized her to leave about two hours early before her shift ended at midnight. When shown a log sheet he testified it indicated that there were no three-part forms available on February 27, 2013 but that it still the employee's obligation to fill out a three-part form documenting their absence.

██████ testified that she was timekeeper at Juvenile Court where the Respondent worked and one of her responsibilities was to make sure deputies turned in three-part forms. She was also responsible for the timesheets and filling in the time that a person worked or was off. If a three-part was turned in by an employee she would mark that time in black ink, otherwise it was marked in pencil. She testified she never received a three-part from the Respondent for two hours that she left early on February 27, 2013. If she had received such a form she would have returned the pink slip to the Respondent and submitted the white and yellow slips to Personnel. Employees can leave the three parts in her mailbox or the mailbox of a Chief or Sgt. In looking at the time sheet at the hearing, the witness could not identify from the copy if the two hours time for the Respondent on the timesheet was written in black ink or pencil. She testified the Respondent was transferred to the civil process division on March 5, 2013. She further testified that all employees must submit three-parts any time they take off. At Juvenile court the three-part forms are kept at Post 3 in a lockbox accessible to supervisors. Extra copies are kept in her timekeeper's office. She testified that never in 12 years was she aware of a time when the facility ran out of three-part forms.

██████ testified she is a civilian employee of the Cook County Sheriff's office in the Personnel department responsible for timekeeping for the civil process division. She testified prior to the hearing she reviewed the original timecards for the Respondent. She testified the timecards show the activity of an employee for day such as 8 for working eight hours or noting vacation or sick time. The witness testified she checked her files where she keeps the three-part forms by date and facility. She looked for three-part form relating to February 27, 2013 for the Respondent's timesheet but could not find one. She reviewed the Respondent's original timecards for that date and noticed that the notation was not written over in pen. She was responsible for keeping Respondent's time records from March 3, 2013 onward. She testified the three-part forms and timesheets supply the same information, that the three-part forms can supplant the original timesheets if there is an issue. She testified there is only one original timecard. She testified that the copy of the timesheet shows that the Respondent took compensatory time and indicates that the Respondent was not paid for the two hours on February 27, 2013.

██████ testified he is an investigator for the Sheriff's Office of Professional Review. He was assigned to investigate an allegation that the Respondent had more than six unauthorized absences. The Respondent gave him a statement in which she testified that she left on February 27, 2013 two hours early to pick up her daughter. He testified she said she had submitted a three-part. As part of his investigation he also talked to her timekeeper and her Sgt. but could not locate the three-part form. He found that the charge of unauthorized absence was not sustained because she had verbal permission from Sgt. ██████ to leave but she was less than truthful when she said she submitted a three-part. The witness testified that in the written summary of the interview the Respondent was asked if she submitted a "timekeeping attendance" form, and was never asked if she submitted a "three-part form" .

██████ testified he is a Chicago Police Department tactical Sgt. handling narcotic and gun offenses. On February 27, 2013 he and his team executed a search warrant at ██████ in Chicago. The subject of the search warrant was Mr. ██████ regarding an issue of him being a convicted felon in possession of weapons and guns. The witness ran ██████ in a computer

database to confirm he was a convicted felon before executing the search warrant. The witness testified that he and his team conducted a surveillance of the property and apprehended [REDACTED] when he pulled up in a vehicle in front of the residence with a baby in the backseat. [REDACTED] refused to give keys for the house to the officers and they breached the doors to gain entry. The officers saw a Cook County Sheriff jacket or shirt hanging in the property. They took photos of the property prior to conducting their search, one of those photo showed the Cook County Sheriff's apparel. They also took photos in the basement showing a scale and pan with cannabis residue and a bong in the basement. The photos also showed a bong in the kitchen all of which items were in plain view. In conducting the search they found three firearms, ammunition and drugs and drug paraphernalia on the property. Two unregistered guns were found on the floor in the kitchen. A third gun was found in the front bedroom drawer, a 9 mm Glock registered to the Respondent. It was taken from the drawer by an officer and had magazines with 27 to 30 rounds also with the gun. Neither the gun nor the ammunition were secured in any way. The witness testified if they had been secured in a locked box they would have had to get another search warrant to open the box or consent from the homeowners, but there was no safe or lockbox containing the gun in the drawer. On further review of the Glock 9 mm it was determined there were three live rounds of ammunition in the gun. Cannabis scales and bags of cannabis were also confiscated. The officer spoke with investigators from the Cook County Sheriff's office. The witness testified that the Respondent was not the subject of the search warrant and a confidential informant for the warrant had not told them that the Respondent was responsible for guns or drugs in the house. The picture of the two unregistered weapons showed them resting on a gun box, which the witness testified was not considered a safety box but is the package in which the guns came. The witness indicated that box could be secured. He testified that [REDACTED] was ultimately found not guilty in court and that the Respondent was never seen on the premises that day. He testified that the officer who found a gun in the drawer showed it to him but he did not see the officer actually recover it.

[REDACTED] testified he is a Chicago Police Department tactical officer and had previously worked for the Cook County Sheriff. On February 27, 2013 he executed a search warrant. He saw Mr. [REDACTED] a child and a pit bull in a car. He was the person who took the photographs inside the residence. He first noted that the residence was very dirty and unkempt. In plain view he saw a bong in the kitchen and bongs and cannabis in plain view along with the scale used to weigh narcotics. The warrant was based on information that Mr. [REDACTED] resides at [REDACTED] and had a firearm, [REDACTED] had two prior felony convictions for aggravated unlawful use of weapon and unlawful use of a weapon by a felon and was a known Insane Deuce gang member. The witness identified photographs of tattoos of Mr. [REDACTED] representing gang symbols. The witness found letters addressed to Leato at the address where the search warrant was executed. Two unregistered guns were found in the kitchen and a backpack on the floor and in an unlocked box with live rounds. The witness identified a photograph he took of the closet showing the Cook County Sheriff jacket hanging there. The 9 mm Glock recovered was not locked or secured and was loaded with three live rounds, and was found in a bedroom with women's clothing and a nightstand. He spoke by phone with the Respondent and asked if she had any knowledge of the two unregistered weapons, she said she did not. He met the Respondent approximately 1:50 AM later at the Ninth District police station. The Respondent was read her Miranda rights. She told the witness and his partner that she lived at [REDACTED] with [REDACTED] [REDACTED] and their daughter. She said she had no knowledge of illegal guns in the house and wrote out a statement.



The witness testified that officer [REDACTED] recovered O'Connell's gun. He heard [REDACTED] say he had recovered a gun and the witness walked up from the basement and [REDACTED] showed him the gun. The witness testified the Respondent was not the target of the warrant.

Rochelle [REDACTED] testified she is a Cook County Sheriff Police officer working in OPR and was assigned to investigate the Respondent. In the course of her investigation she reviewed Chicago Police Department documents and spoke with Sgt. [REDACTED] and the Respondent. She previously investigated the Respondent for cohabitation with a felon [REDACTED] Leato. In the course of her investigation she determined that the Respondent was residing at [REDACTED] although her official Sheriff's residence address on file with [REDACTED] in Chicago, and no change of address had been filed with the Sheriff. The witness testified that documents introduced into evidence showed that the Respondent qualified with firearms and signed an acknowledgment of firearm safety as all employees do when they qualify. That requires all employees to acknowledge that their duty weapons must be stored and secured at home and be inaccessible to unauthorized persons. She identified documents where the Respondent signed on February 20, 2013 regarding any association with known gang members where she disclosed [REDACTED] [REDACTED] her child's father, was a member of the Insane Deuces but had not been active since 2008. Respondent told the witness that she was staying with [REDACTED] at [REDACTED] because he was babysitting their daughter and that she had left her service weapon in a sock drawer in a lockbox safe. When she recovered the weapon later at the Chicago Police Department she told the OPR investigator it was no longer in a box or secured. The Respondent told the witness she had no idea who the other weapons or drugs found in the house belonged to.

The Respondent testified she has two children aged four and almost a year, The father is [REDACTED] [REDACTED] She began dating him in 2009 and she testified she was not aware he was a gang member at any time since they were together. She was aware he is a convicted two-time felon prior to dating him. On February 27, 2013 she received a call from her mother that the Chicago police had come to her mother's house and told her to pick up their daughter since a search warrant was being executed and the father was being arrested. The Respondent testified she had been renting at [REDACTED] since April 2012 but had not changed her address with the Sheriff's Department since she said she was renting and did not know how long she would be staying there. [REDACTED] [REDACTED] drove her to work that day from the [REDACTED] address. She testified that at that address her daughter and she slept in the front bedroom, and Leato slept in the back bedroom. He also spent time in the basement. They had ended the romantic relationship in late 2012 but she continued to live with him since she needed someone to care for their child. She testified she was not aware of any weapons in the house except for her duty weapon. She testified she may have seen drug paraphernalia in the house and may have seen a bong in the kitchen. She received permission from her supervisor to leave work early but did not fill out a three-part. She had left her duty weapon at home in a locked box in the top drawer of her dresser since she was pregnant and could not wear a belt for her weapon. She testified the weapon was locked in that box. When she retrieved the weapon from the Chicago police it was not in a lockbox. She does not have the lockbox or padlock for it or any pictures of it. She did not file any complaint against the Chicago Police regarding the missing lockbox. She further testified that at [REDACTED] she only went in the basement to do laundry.

## Findings:


As to the allegations contained in the complaint in docket 1746, is very clear that no "three-part form" was filed in relation to the Respondent's leaving work on February 27, 2013. However the charges and complaint relate to the Respondent not being truthful with the OPR investigation related to that absence of the filing of the paperwork. The summary of the interview conducted by the OPR investigator states that the Respondent confirmed that she had a "timekeeping attendance form" related to her absence. Although it might be assumed that she understood this to be the "three-part form" is equally possible that she believed this was referring to her timesheet or timecard since the same information regarding her attendance was contained on those documents as well. Further there is no evidence that her 2 hour absence was not accounted for in the timekeeping and payment of compensation. Therefore the charges in this case are not sustained.

As to the allegations contained in docket number 1747, is clear that the Respondent knowingly associated with a member of a known criminal organization. Although the Respondent said that her boyfriend and the father of her children, [REDACTED] [REDACTED] had not been active with the Insane Duces gang since 2008, that is belied by the facts in the case. He clearly continued to advertise gang tattoos from the photos in the record and it is clear that in the back of the house and basement where she testified he spent most of his time extensive drug activity was going on along with the storage of illegal firearms. Further, to leave her young child in the care of this man surrounded by drug paraphernalia and weapons on the kitchen floor clearly violates the Sheriff's Order 11.2.2 0.0. Sgt. [REDACTED] and Officer [REDACTED] testified extremely credibly about the conditions and location of guns and drug paraphernalia on the premises at [REDACTED]. The drugs and related items were in plain view on the premises. The Respondent herself testified that she would spend time in the kitchen and also visited the basement at least to do laundry. Her testimony is not credible that she was not aware of the presence of cannabis and drug related items and in fact she testified she may have seen such items. Most seriously, her testimony that her service weapon had been stored locked and secured in a drawer in her bedroom was false. Both the statement that she gave to the Sheriff's OPR and her testimony before this Board is not credible. It is very clear from the testimony of the Chicago police officers and the photographs that her service weapon was never secured and in fact live ammunition was also kept in an unsecured manner, with live rounds present in her service weapon. It is beyond comprehension that the Chicago Police would have broken into a lockbox to find her weapon, and the fact that she never asked the police, nor made a complaint, about them allegedly breaking into a lockbox verifies this. To leave a loaded weapon unsecured in a home with a young child violates both the spirit and the substance of the rules and regulations by which she is bound.

Further, in aggravation, the Board can take official notice of the fact that this same Respondent previously was found to have violated rules and regulations for an unsecured weapon in case docket number 1591 for which she received a 180 day suspension.

**Conclusions of Law:** Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Merit Board finds that the Respondent in case docket number 1747 did violate all aforementioned General Orders and Sheriff's orders of the Cook County Sheriff, and the cited Merit Board Rules, Sheriff's Order 11.2.2 0.0 II, VI, A. B,D,H,I and General Order 1009 II and 3406 V and 8403.2 II and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraphs B 1, 2, 3 and 4.

**Order:** Wherefore, based on the foregoing, it is hereby ordered that the Respondent Margaret O'Connell be separated from employment effective January 21, 2014.



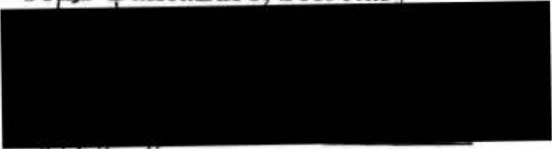
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John D'Alicandro, Secretary




Brian J. Riordan, Board Member



Kim R. Widup, Board Member



Vincent T. Winters, Board Member



Jennifer E. Bac, Board Member



Patrick Brady, Board Member

Dated October 15, 2015